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Arizona Corporation Commission  
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AZ CORP COMMISSION  
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**BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION OF )  
GILA BEND POWER PARTNERS, L.L.C. AND ITS )  
ASSIGNEES IN CONFORMANCE WITH THE ) CASE #119  
REQUIREMENTS OF ARIZONA REVISED ) DOCKET #L-00000V-02-119  
STATUTES SECTIONS 40-360.03 AND )  
40-360.06 FOR A CERTIFICATE OF )  
ENVIRONMENTAL COMPATIBILITY )  
AUTHORIZING CONSTRUCTION OF ONE ) APPLICANT AND  
500KV TRANSMISSION LINE AND ASSOCIATED ) INTERVENORS'  
SWITCHYARD COMPONENTS IN MARICOPA ) PROPOSED CEC  
COUNTY, ARIZONA ORIGINATING AT THE ) CONDITIONS  
HASSAYAMPA SWITCHYARD NEAR THE PALO )  
VERDE NUCLEAR GENERATING STATION WEST )  
OF PHOENIX, ARIZONA (SECTION 15, )  
TOWNSHIP 1 SOUTH, RANGE 6 WEST, G&SRB&M) )  
AND TERMINATING AT THE JOJOBA )  
SWITCHYARD, SECTION 25, TOWNSHIP 2 SOUTH, )  
RANGE 4 WEST, A DISTANCE OF )  
APPROXIMATELY 20 MILES. )

Gila Bend Power Partners, L.L.C. ("Applicant"), the Arizona Corporation  
Commission Staff ("Staff") and SRP have discussed the three CEC conditions proposed by  
Staff and the one condition proposed by SRP. The parties have reached agreement on  
condition No. 7. Staff and Applicant have reached an agreement on conditions Nos. 6 and

1 28. SRP takes no position on these two conditions.<sup>1</sup> All references are to Applicant's  
2 proposed CEC located at Tab 4 of Applicant's Exhibit Book distributed to the Siting  
3 Committee prior to the October 1, 2002 hearing. For the Siting Committee's convenience,  
4 a revised CEC with the stipulated language is attached.  
5

6 Condition No. 6.

7 The Staff and Applicant have agreed to the following language to be inserted on  
8 page 4 at line 21 in place of Applicant's proposed Condition No. 6. SRP takes no position  
9 on this Condition.  
10

11 Applicant and its assigns shall participate in good faith in state and  
12 regional transmission study forums and shall make every reasonable effort  
13 to ensure that such transmission line will be timely constructed in  
accordance with the needs of the integrated transmission grid.

14 Condition No. 7.

15 The parties have agreed to the following language:

16 Insert on Page 3 at line 3 of Applicant's Proposed CEC.

17  
18 Testimony was presented on the conclusion reached in the Central  
19 Arizona Transmission Study that over the foreseeable future three  
20 transmission lines will be necessary in the Palo Verde to Kyrene  
21 Corridor ("Corridor"). Additional testimony was presented  
22 establishing that the construction of transmission lines in the Corridor  
is complicated by geographical features near Gillespie Dam and its  
proximity to the Sonoran Desert National Monument necessitating the

23  
24 <sup>1</sup> As to condition No. 1, Staff proposes to reduce the term of the CEC to approximately  
25 three years (until April 12, 2006) to be co-terminous with the terms of the two other  
26 CEC's granted to this Applicant. SRP supports the Staff's position. Applicant proposes  
that the term of the CEC be five years. The parties respectfully request that the Siting  
Committee should select between the two alternatives

1 proper sequencing and spacing of transmission lines within the  
2 Corridor.

3 Insert on page 4 at line 23, in place of Applicant's proposed Condition  
4 No. 7.

5 To address concerns raised in testimony about the sequencing and  
6 spacing of lines within the Corridor, the Applicant shall locate the Gila  
7 Bend Power Partners Transmission Line in accordance with the  
8 attached legal description (the "Alignment"). If, when the Applicant  
9 begins construction, another line is constructed or is under  
10 construction in the Alignment, then the Applicant shall locate the Gila  
11 Bend Power Partners Transmission Line 130 feet west and south of the  
12 transmission line in the Alignment.

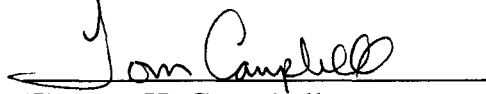
13 Condition No. 28.

14 Applicant has no objection to the Staff's proposed new Condition No. 28 in light of  
15 the Staff's explanation at the hearing that such condition will be evaluated on a case by  
16 case basis and that the Alignment proposed by Applicant is consistent with this condition.  
17 SRP takes no position on this condition.

18 The Applicant respectfully requests the Siting Committee grant a proposed  
19 Certificate of Environmental Compatibility in the form proposed by the Applicant as  
20 amended above.

21 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of November, 2002.

22 LEWIS AND ROCA

23   
24 Thomas H. Campbell  
25 40 N. Central Avenue  
26 Phoenix, Arizona 85004

Attorneys for Gila Bend Power Partners, L.L.C.

1 ARIZONA CORPORATION COMMISSION

2  
3 David Ronald

4 David Ronald, Esq.  
5 1200 West Washington  
6 Phoenix, AZ 85007-2997

7 Attorneys for the Arizona Corporation  
8 Commission, Utilities Division Staff

9 JENNINGS STROUSS & SALMON PLC

10  
11 Ken Sundlof  
12

13 Kenneth Sundlof  
14 Robert Taylor  
15 The Collier Center, 11th Floor  
16 201 East Washington Street  
17 Phoenix, Arizona 85004-2385

18 Attorneys for Salt River Project

19 Pursuant to R14-3-204 the  
20 ORIGINAL and twenty-five  
21 copies were filed this 26<sup>th</sup> day of  
22 November, 2002, with:

23 Arizona Corporation Commission  
24 Utilities Division – Docket Control  
25 1200 West Washington Street  
26 Phoenix, Arizona 85007

1 COPY of the foregoing  
2 mailed/hand-delivered this  
3 26th day of November, 2002, to:

4 Laurie Woodall  
5 Office of the Attorney General  
6 1275 West Washington Street  
7 Phoenix, Arizona 85007  
8

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3 **BEFORE THE ARIZON POWER PLANT AND**  
4 **TRANSMISSION LINE SITING COMMITTEE**  
5

6 In the matter of the Application of Gila Bend )  
7 Power Partners, L.L.C. and its assignees in )  
8 conformance with the requirements of Arizona )  
9 Revised Statutes Sections 40-360.03 and )  
10 40-360.06 for a certificate of environmental )  
11 compatibility authorizing construction of one )  
12 500 kV transmission line and associated switch- )  
13 yard components in Maricopa County, Arizona )  
14 originating at the Hassayampa Switchyard near )  
the Palo Verde Nuclear Generating Station )  
west of Phoenix, Arizona (Section 15, )  
Township 1 south, Range 6 West) )  
and terminating at the Jojoba )  
Switchyard, (Section 25, Township 2 South, )  
Range 4 West), a distance of approximately )  
20 miles. )

Case No: \_\_\_\_\_

Decision No: \_\_\_\_\_

15 **DECISION OF THE ARIZONA POWER PLANT AND**  
16 **TRANSMISSION LINE SITING COMMITTEE**  
17 **AND CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

18 Pursuant to the notice given as provided by law, the Arizona Power Plant and  
19 Transmission Line Siting Committee ("Committee") held a public hearing at the Gila  
20 Bend Town Hall, 644 West Pima Street, Gila Bend, Arizona on October 1, 2002 in  
21 conformance with the requirements of Arizona Revised Statutes §40-360 et seq., for the  
22 purpose of receiving evidence and deliberating upon the Application of Gila Bend Power  
23 Partners, L.L.C. and its assigns ("Applicant") for a Certificate of Environmental  
24 Compatibility in the above-captioned case.  
25  
26

1       The following members and designees of members of the Committee were present  
2 for the evidentiary presentation during the October 1, 2002 hearing and deliberations and  
3 voted on the Application:  
4

5	Laurie A. Woodall	Chair, Designee for Arizona Attorney General, Janet Napolitano
6		
7	Ray Williamson	Arizona Corporation Commission
8	Richard Tobin	Arizona Department of Environmental Quality
9	Mark McWhirter	Department of Commerce
10	Pat Schiffer	Arizona Department of Water Resources
11		
12	Gregg A. Houtz	Arizona Department of Water Resources
13	Jeff McGuire	Appointed Member
14	Mike Palmer	Appointed Member
15	Margaret Trujillo	Appointed Member
16		
17	A. Wayne Smith	Appointed Member
18	Sandie Smith	Appointed Member
19	Mike Whalen	Appointed Member

20       The Applicant was represented by Thomas H. Campbell of Lewis and Roca LLP.  
21  
22       Staff of the Arizona Corporation Commission ("Commission") was represented by its  
23 counsel, David Ronald. SRP intervened on behalf of the participants in the Southeast  
24 Valley project and as operating agent for Palo Verde Transmission System and was  
25  
26

1 represented by Robert Taylor of Jennings, Strouss & Salmon PLC. There were no other  
2 intervenors.

3         Testimony was presented on the conclusion reached in the Central Arizona  
4 Transmission Study that over the foreseeable future three transmission lines will be  
5 necessary in the Palo Verde to Kyrene Corridor ("Corridor"). Additional testimony was  
6 presented establishing that the construction of transmission lines in the Corridor is  
7 complicated by geographical features near Gillespie Dam and its proximity to the Sonoran  
8 Desert National Monument necessitating the proper sequencing and spacing of  
9 transmission lines within the Corridor.  
10

11  
12         At the conclusion of the public hearings, after consideration of (i) the Application  
13 and the evidence presented during the public hearings, and (ii) the legal requirements of  
14 Arizona Revised Statutes §§40-360 and 40-360.13 and A.A. C. R14-3-213, upon motion  
15 duly made and seconded, the Committee voted to grant Applicant the following Certificate  
16 of Environmental Compatibility.  
17

18         Applicant is hereby granted a Certificate of Environmental Compatibility for  
19 authority to construct the following facilities, as requested in the Application: a 500kV  
20 transmission line and associated switchyard components (the "Project").  
21

22         Applicant's 500kV transmission line will originate at the Hassayampa Switchyard  
23 near the Palo Verde Nuclear Generating Station west of Phoenix, Arizona, (Section 15,  
24 Township 1 South, Range 6 West) and terminate at the Jojoba Switchyard in Section 25,  
25 Township 2 South, Range 4 West. The 500kV transmission line alignment will parallel  
26



1 and be adjacent to the existing Palo Verde-Kyrene 500kV transmission line. (See Exhibit  
2 A) The transmission line will consist of steel lattice structures designed and constructed to  
3 accommodate a 500kV circuit. The routing, design, height and material composition of  
4 the 500kV transmission line facilities were testified to by Applicant's witness Robert  
5 Walther at the October 1, 2002 hearing.  
6

7 The 500kV line will complete the interconnection of Applicant's Gila Bend power  
8 plant with the Hassayampa Switchyard. The complete interconnection will include the  
9 two 500kV transmission lines certificated by the Committee in Case No. 102, the 500kV  
10 transmission line and Watermelon switchyard certificated in Case No. 109 and the line  
11 proposed in this Application. The details of these interconnections will be the subject of  
12 contractual arrangements to be entered into between Applicant and transmission providers.  
13  
14

15 This Certificate of Environmental Compatibility is granted upon the following  
16 conditions:

- 17 1. This authorization to construct the aforementioned facilities shall expire **[five (5)**  
18 **years from the date this Certificate of Environmental Compatibility is**  
19 **approved by the Commission]** or **[on April 12, 2006]**, unless construction is  
20 completed to the point that the 500kV transmission line is capable of operating by  
21 that time; provided, however, that prior to such expiration Applicant may request  
22 that the Commission extend this time limitation.
- 23 2. Applicant shall provide the Commission with copies of any transmission  
24 agreements it ultimately enters into with transmission providers within 30 days of  
25 execution of those agreements.
- 26 3. The Applicant shall match structure spans with the existing Palo Verde-Kyrene line  
for the proposed Project unless site-specific conditions require a structure to be  
moved.

- 1 4. The Applicant shall use dulled steel structures and non-specular and dulled  
2 conductors to reduce the contrast and visibility of the proposed Project.
- 3 5. The Applicant shall match existing structure type to reduce overall Project contrast.
- 4 6. Applicant and its assigns shall participate in good faith in state and regional  
5 transmission study forums and shall make every reasonable effort to ensure that  
6 such transmission line will be timely constructed in accordance with the needs of  
7 the integrated transmission grid.
- 8 7. To address concerns raised in testimony about the sequencing and spacing of lines  
9 within the Corridor, the Applicant shall locate the Gila Bend Power Partners  
10 Transmission Line in accordance with the attached legal description (the  
11 "Alignment"). If, when the Applicant begins construction, another line is  
12 constructed or is under construction in the Alignment, then the Applicant shall  
13 locate the Gila Bend Power Partners Transmission Line 130 feet west and south of  
14 the transmission line in the Alignment.
- 15 8. Applicant shall comply with all existing applicable air and water pollution control  
16 standards and regulations, and with all existing applicable ordinances, master plans  
17 and regulations of the State of Arizona, the County of Maricopa, the United States  
18 and any other governmental entities having jurisdiction.
- 19 9. Before construction of this Project may commence, the Applicant shall file a  
20 construction mitigation revegetation and restoration plan with the Commission  
21 Docket Control. Applicant shall, within one year of completion of the Project,  
22 rehabilitate to its original state any area disturbed by construction of the Project,  
23 except for any road that may be necessary to access the transmission lines for  
24 maintenance and repair.
- 25 10. Survey for southwestern willow flycatchers should be conducted prior to  
26 construction, and mitigation measures should be implemented according to state  
and federal guidelines to minimize potential disturbances to special status species  
and habitat. If necessary, additional cactus ferruginous pygmy-owl surveys should  
be conducted in the appropriate season prior to construction.
11. The Applicant shall conduct all construction and maintenance activities in a manner  
that would minimize disturbance to vegetation, drainage channels, and intermittent  
and perennial streambanks. For example, the Applicant shall remove only the  
minimum amount of vegetation necessary for the construction of structures and  
facilities. In construction areas where recontouring is not required, vegetation shall

1 be left in place to avoid excessive root damage and allow for resprouting. In  
2 addition, all existing roads shall be left in a condition equal to or better than their  
3 condition prior to the construction of the transmission line.

4 12. The Applicant shall construct structures to conform to "Suggested Practices for  
5 Raptor Protection on Power Lines" (Raptor Research Foundation, Inc. 1981).

6 13. The Applicant shall retain a qualified biologist, as needed, to monitor ground  
7 clearing/disturbing construction activities in areas where sensitive species occur.  
8 The biological monitor will be responsible for ensuring proper actions are taken if a  
9 special status species is encountered.

10 14. The Applicant shall comply with Arizona's Native Plant Law and notify the  
11 Arizona Department of Agriculture no later than 60 days prior to the start of  
12 construction.

13 15. The Applicant shall continue to consult with the State Historic Preservation Office  
14 (SHPO) to reach a determination of any cultural resource impacts. The Applicant  
15 shall implement any impact avoidance and mitigation measures (e.g., monitoring  
16 during construction) for cultural resources developed in consultation with the BLM  
17 and the SHPO on land under BLM's jurisdiction and with ASLD on land under  
18 ASLD's jurisdiction.

19 16. The Applicant shall avoid or minimize impacts to properties considered eligible for  
20 inclusion in the State and National Register of Historic Places to the extent  
21 practicable. If human remains and /or funerary objects are encountered during the  
22 course of any ground disturbing activities relating to the development of the subject  
23 property, the Applicant shall cease work on the affected area of the Project and  
24 notify the Director of the Arizona State Museum in accordance with A.R.S. Section  
25 47-1685 or the BLM in accordance with the Native American Graves and  
26 Protection and Repatriation Act, depending on land ownership.

17. In consultation with SHPO and any applicable land-managing agency, the  
Applicant shall consider and assess potential direct and indirect impacts to eligible  
properties related to new access roads or any existing access roads that require  
blading. An example of an indirect impact would be a road that leads directly to an  
archaeological site that in effect invites intentional or unintentional vandalism, such  
as looting or off-road vehicle use, in such case, adding a locked gate or otherwise  
blocking the road would be an appropriate treatment.

- 1 18. The Applicant shall use existing access roads along the Palo Verde-Kyrene line for  
2 construction and maintenance access and only build spur roads for access to new  
3 structures.
- 4 19. The Applicant shall restrict all construction vehicle movement outside of the right-  
5 of-way to predesignated access, contractor acquired access or public roads.
- 6 20. The Applicant shall restore the ground surface in construction areas (e.g.,  
7 marshalling yards, structure sites) where ground disturbance is significant or where  
8 recontouring is required. The method of restoration may include returning  
9 disturbed areas to their natural contour (to the extent practical), reseeding with  
10 native plants, installing cross drains for erosion control, placing water bars in the  
11 road, and filling ditches. Seed must be tested and certified to contain no noxious  
12 weeds in the mix. Seed viability must also be tested at a certified laboratory  
13 approved by the authorized officer.
- 14 21. The Applicant shall make every reasonable effort to identify and correct, on a case-  
15 specific basis, all complaints of interference with radio or television signals from  
16 operation of the line and related facilities, in addition to any transmission repairs,  
17 the relevant corrective actions may include adjusting or modifying receivers;  
18 adjusting, repairing, replacing or adding antennas, antenna signal amplifiers, filters,  
19 or lead-in cables; or other corrective actions.
- 20 22. The Applicant shall maintain written records for a period of five (5) years of all  
21 complaints of radio or television interference attributable to operation of the  
22 Project, together with the corrective action taken in response to each complaint.  
23 Complaints not leading to a specific action or for which there was no resolution  
24 shall be noted and explained. The record shall be signed by the Project owner and  
25 also the complainant, if possible, to indicate concurrence with the corrective action  
26 or agreement with the justification for a lack of action.
23. The Applicant shall advise interested parties how they may express concerns or  
submit complaints to the owner-operator of the Project when they believe the  
transmission line or switchyard facilities herein authorized are creating noise in  
excess of applicable Housing and Urban Development standards or causing  
interference with communications signals in excess of applicable Federal  
Communication Commission standards. Such complaints may, at the election of  
the complainant, be processed by owner-operator of the Project.
24. Prior to construction, the contractor shall be instructed on the protection of cultural  
and ecological resources. To assist in this effort, the construction contract shall

1 address federal and state laws regarding antiquities and plants and wildlife  
2 including collection and removal.

3 25. The Applicant shall cover construction holes left open at night. The covers shall be  
4 secured in place and shall be strong enough to prevent livestock or wildlife from  
5 falling through and into any hole.

6 26. The Applicant shall survey any areas not previously surveyed (e.g., new spur roads)  
7 prior to construction.

8 27. Within 45 days of securing easement of right-of-way for the Project, the Applicant  
9 shall erect and maintain signs providing public notice that the property is the site of  
10 a future transmission line. Such signage shall be no smaller than a normal roadway  
11 sign. The Applicant shall place signs in prominent locations at reasonable intervals  
12 such that the public is notified along the full length of the transmission line. Copies  
13 of the Certificate shall be provided by the Applicant to city and county planning  
14 agencies. The signs shall advise:

15 a) That the site has been approved for the construction of a 500kV  
16 transmission line;

17 b) The expected date of completion of the Project facilities; and

18 c) A phone number for public information regarding the Project.

19 28. In order to ensure transmission system safety and reliability, all transmission  
20 structures shall be placed a minimum of 100 feet from the edge of existing natural  
21 gas pipelines rights-of-way.

22 GRANTED this \_\_\_\_ day of December, 2002.

23 Arizona Power Plant and Transmission  
24 Line Siting Committee

25 By: \_\_\_\_\_  
26 Laurie A. Woodall, Chair

1 **ORDER OF ARIZONA CORPORATION COMMISSION AFFIRMING AND**  
2 **APPROVING CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

3  
4 Having considered the foregoing decision of the Arizona Power Plant and  
5 Transmission Line Siting Committee ("Committee") in light of the decision-making  
6 factors specified in Arizona Revised Statutes §40-360.06, and, pursuant to Arizona  
7 Revised Statutes §40-360.07(c), having balanced in the broad public interest the need for  
8 an adequate, economical and reliable supply of electric power with the desire to minimize  
9 the effect thereof on the environment and ecology of Arizona, it is the decision of this  
10 Commission that the Certificate of Environmental Compatibility granted by the  
11 Committee on \_\_\_\_\_, 2002 in Case No. \_\_\_\_ should be, and hereby is, affirmed and  
12 approved.  
13  
14

15 **BY ORDER OF THE ARIZONA CORPORATION COMMISSION**  
16

17 \_\_\_\_\_  
Chairman

Commissioner

Commissioner

18  
19 IN WITNESS WHEREOF, I, BRIAN C. MCNEIL  
20 Executive Secretary of the Arizona Corporation  
21 Commission, have hereunto, wet my hand and caused  
22 the official seal of this Commission to be affixed at  
the Capitol, in the City of Phoenix, this \_\_\_\_ day of  
\_\_\_\_\_, 2002.

23 \_\_\_\_\_  
24 Brian C. McNeil  
25 Executive Secretary  
26

Dissent: \_\_\_\_\_